REMARKS

Applicants thank the Examiner's for his thorough search and analysis. Claims 1, 2, 4-13, and 18-23 were previously pending in this application. In the Office Action mailed December 22, 2004, the claims were rejected. In particular, claims 1, 2, 4-10, and 12-13 were rejected as being anticipated by the USPTO EAST text search tool (hereinafter "East"). Claims 11 and 18-23 stand rejected as obvious over East in view of a number of other references.

The claim set has been amended herein. In particular, claims 1, 2, 4-13, and 18-23 have been cancelled and claims 27-45 have been added. The added claims are similar to the presently cancelled claims, however they clarify that the process of data display and retrieval uses at least two threads and that the information displayed is hierarchical directory information, e.g., drives, folders, subfolders, etc. Claim 27 is an independent method claim similar to cancelled claim 1, while claim 34 is an independent method claim similar to cancelled claim 4. Beauregard versions of both claims are also included.

While the currently pending claims differ from the previously pending claims, Applicants address certain elements of the rejections of the previously pending claims in order to efficiently move the prosecution of this case forward. The primary reference, East, was characterized as presenting categorized information for user selection, wherein selected information is retrieved, and wherein the rest of the display, e.g. the remaining categories, remains interactive and usable during the retrieval. A number of other assertions regarding East were made, however, Applicants are unable to confirm or deny the operation of East as asserted since all information that the Applicants have been given pertains to static user interface elements, and there is no indication of the underlying mechanisms. For example, is East multi-threaded? The action simply asserts that it must be and yet the many single threaded applications that have existed for so long call that into question. Furthermore, the action asserts that the display remains interactive during data retrieval, but the static screenshots do not show that. Similar assertions are made regarding a number of other claims with respect to the functionality of East, e.g.

functionality is said to either exist based on the documents sent with the action, or is said to be inherent.

If rejections are subsequently lodged or maintained based on East, applicants respectfully request that sufficient information regarding East be supplied so that the alleged functionality of the software can be confirmed or refuted. With respect to properties of East that are said to be inherent (see, e.g., rejections of claims 7- 10), applicants respectfully request that evidence of inherency be provided.

It is respectfully asserted that a prima facie case of anticipation or obviousness has not been made with respect to the previously pending claims, since all rejections were based at least partly on alleged functionality of East, and yet insufficient information has been supplied to show that East functioned in the asserted manner. This issue only matters to the extent that any rejection of the present claims also includes a recitation of the functionality of East.

Turning to the present claims, and using claim 27 as an example, the claim recites the following:

> A method for presenting hierarchical categorized directory information via a plurality of arranged visual elements on a computer-enabled user interface, wherein visual elements represent directory system entities and the arrangement of elements represents the interrelationships of the corresponding directory system entities, the method comprising:
> displaying one or more elements representing one or more directory system entities using a first thread;
> receiving a user selection of a displayed element; and
> using a second thread, retrieving data associated with the selected displayed element so that others of the displayed plurality of arranged visual elements remain responsive to initiate further data retrieval while the data associated with the initially selected displayed element is being retrieved.

It can be seen that the claim recites the use of multiple independent threads to decouple the data retrieval task from the element display task. Moreover, the information displayed is hierarchical directory information, wherein each element corresponds to an underlying directory element such as a drive, file, etc., and wherein the arrangement of

the displayed elements reflects the interrelationships between the underlying directory elements. The result of the claimed architecture is that the displayed directory structure remains interactive to user selection of additional elements for retrieval.

The cited art fails to teach many of these elements. For example, it does not appear that the East display of elements corresponds to an underlying directory structure. Moreover, as noted above, it is not clear that East used multiple independent threads. Finally, although the screen shots that accompanied the action appear to show a user clicking various display elements during the retrieval of data associated with a first-selected element, it is not shown that the clicking results or even can result in the initiation of additional retrieval steps while the first retrieval is pending. The secondary references cited with the action do not cure these deficiencies.

With respect to independent claims 35 and 44-45, similar concerns are valid. In addition, claim 35 recites receiving a user selection of a *plurality* of the elements, receiving a user request to boost the priority of a *particular* selected element, and in response, boosting the retrieval priority of the particular selected element. The screen shots and slides pertaining to East do not show this behavior. The fact that an item may move up on the display after another item is cancelled (a) does not appear to result from a user selection of the moved up item, (b) does not appear to alter the retrieval priority of the item, and (c) does not appear to be tied in any way to a user selection of a plurality of display elements.

With respect to claims 44 and 45, these claims are Beauregard claims corresponding to claims 27 and 35, and as such it is respectfully submitted that these claims are allowable for the same reasons as claims 27 and 35.

With respect to the dependent claims, it is respectfully submitted that these claims are allowable for the reasons set forth for the parent claims. Moreover, many of the dependent claims are independently allowable. For example, with respect to claims 19-20, the action asserts that "East's second thread" is engaged in various specific acts, and

yet there is no evidence of record that East actually even used a second thread at all, let alone to perform the recited actions.

The Additional References

Although it is not believed to be critical because of the distinctions over East noted above, applicants would like to briefly discuss the propriety of the asserted combination of references as well as the asserted supplemental teachings from the additional references.

Applicants respectfully submit that the teachings attributed to the additional references are not in fact reflected in those references, and that moreover the propriety of combining these references with East has not been shown. For example, with respect to prior claim 11, the action cites Wanderski (U.S. Pat. no. 6,147,687) at col. 10, lines 20-26 to teach retrieval of partial results. However, the cited section of Wanderski merely pertains to updating a view to reflect the changes caused by *previously* pending updates—it doesn't pertain to retrieving partial results, since the updates are no longer pending. Moreover, the cited motivation—user flexibility and convenience—does not appear to be motivated by anything in the art, nor is there any showing that such a modification of East would work given the actual structure and coding of East. It is respectfully submitted that similar shortcomings appear in the rejections of other claims.

CONCLUSION

For the reasons stated above, it is believed that pending claims 27-45 distinguish over the art of record. Thus, the application is believed to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a further telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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